

### REMARKS

Claims 1, 3-24 and 27-32 were examined by the Office, and in the Office Action of June 22, 2009 all claims are rejected. With this response, claims 1, 17-18, 23 and 27 are amended. All amendments are fully supported by the specification as originally filed. Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

#### **Claim Rejections Under § 103**

In section 6, on page 5 of the Office Action, claims 1, 3-24 and 27-32 are rejected under 35 U.S.C. § 103(a) as unpatentable over Dean et al. (U.S. Patent No. 6,167,379) in view of Barto et al. (U.S. Patent No. 7,069,097). Applicant respectfully submits that claim 1 is not disclosed or suggested by the cited references, because the cited references fail to disclose or suggest all of the limitations recited in claim 1. Claim 1 is amended to clarify that the at least one respective interval of time is a fixed interval of time, and applicant respectfully submits that the cited references at least fail to disclose or suggest this limitation of claim 1.

The instant application defines an amount of time that can be scheduled dynamically within a time interval during a working day. The amount of time is of fixed length but it is not fixed to a certain time of the day. The calendar ensures that it is scheduled somewhere within the hours that are defined by a user. Nowhere in Barto or Dean is this concept disclosed. As such, the combination of Barto and Dean does not result in the present invention. The Office acknowledges on page 6 of the Office Action that Dean does not disclose storing in the electronic schedule apparatus at least one respective interval of time during which the at least one amount of the personal time is to be reserved, and that each of the at least one amount of personal time is less than the respective interval of time, and relies upon Barto for this teaching.

Barto relates to automated scheduling of processes within a semi-conductor processing plant (col. 1, lines 22-36; col. 2, lines 4-19), and thus is in a totally different field. Barto describes a complex algorithm and a complex bidding system whereby "consumer" present requests through software agents to access particular shared resources (see col. 8, line 57 to col. 9, line 24). Many factors are taken into account when bids are assessed (col. 8, line 65 - col. 9, line 2), and a selection process is then carried out (figs. 6A and 6B; col. 18, line 23 onwards). The Office asserts on page 6 of the Office Action that the kernel discussed in Barto corresponds

to the personal time, and the working window corresponds to the interval of time. However, claim 1 is amended to recite that the at least one respective interval of time is a fixed interval of time. Barto states that the provider software agent may shift the edges of the working window such that it is smaller than the commitment window. See Barto column 9, lines 33-35.

Therefore, the working window in Barto cannot correspond to the interval of time recited in claim 1, because the interval of time in claim 1 is not flexible and cannot be shifted like the working window can be in Barto. Therefore, for at least this reason, claim 1 is not disclosed or suggested by the cited references.

Independent claims 17-18, 23 and 27 are amended to include limitations similar to those recited in claim 1, and therefore are not disclosed or suggested by the cited references for at least the reasons discussed above with respect to claim 1.

The dependent claims rejected above are not disclosed or suggested by the cited references at least in view of their dependencies.

### CONCLUSION

For at least the foregoing reasons, applicant respectfully submits that the present application is in condition for allowance, and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

Date: September 21, 2009

s/Keith R. Obert/  
Keith R. Obert  
Attorney for the Applicant  
Registration No. 58,051

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
755 Main Street, PO Box 224  
Monroe CT 06468  
Tel: 203 261-1234  
Fax: 203 261-5676